

OPI Pulse: Constitutional Amendments

Background:

The Florida Constitution provides the framework for our state's government, grants rights to its citizens, and outlines the process by which amendments to the Constitution may be proposed and enacted. There are several ways to amend the Florida Constitution, one of which is through a Joint Resolution passed by the Legislature. Joint Resolutions proposing amendments to the Florida Constitution must be passed by a 3/5 vote of all members in the Florida House and Senate, respectively. After both chambers pass a Joint Resolution proposing a constitutional amendment, the amendment text, ballot title, and a ballot summary of the proposed amendment (if there is a ballot summary) as they will appear on the electoral ballot, are printed twice in newspapers throughout the state before the election. The proposed amendment is then submitted to Floridians for a vote, usually at the next general election. The actual ballot given to voters on Election Day typically contains the ballot title and a summary of the amendment, which is called the "ballot summary." If 60 percent of the people who vote on the amendment vote "yes", the Florida Constitution is changed to reflect the amendment.

Floridians can take action in the form of a legal challenge to stop a proposed amendment from appearing on an electoral ballot if they believe the language used to identify and describe the amendment is inaccurate or misleading. This formal challenge is usually presented in a state court. When a challenge is filed, the court hears arguments from both sides and then makes a determination about whether the amendment, as it is titled and described in the ballot summary, can legally appear before Florida voters.

There are four other ways to amend the Florida Constitution, which include an initiative petition, proposal by the Constitution Revision Commission, proposal by the Taxation and Budget Reform Commission or a proposal by a Constitutional Convention.

Joint Resolutions passed during 2011 Legislative Session:

The following is a listing of the Joint Resolutions passed by both houses of the Florida Legislature during the 2011 Legislative Session. For additional information regarding individual Joint Resolutions,

Quick Look

This document includes:

Background Information,
Quick Facts and Reference
websites about Joint
Resolutions passed during
the 2011 Legislative Session:

[CS/HJR 7111](#)

[CS/SJR 2](#)

[CS/CS/CS/CS/CS/HJR 381](#)

[CS/SJR 592](#)

[CS/SJR 958](#)

[CS/HJR 1179](#)

[CS/HJR 1471](#)

Terms to Know:

Electorate: Voting citizens

Electoral Ballot: The document given to voters during elections which lists their voting options and records their vote

Joint Resolution: The Legislature proposes constitutional amendments by passing a joint resolution. The primary difference between a bill and a joint resolution is that a joint resolution is not subject to executive approval and cannot be vetoed by the Governor.

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visit the [Florida House of Representatives website](#) and search for each Joint Resolution by number.

Additional Terms to Know:

Judicial Qualifications

Commission (JQC): an independently appointed body responsible for investigating allegations of misconduct against judges.

Homestead: Land and/or buildings occupied by an owner who receives special property tax exemptions from seizure or sale for debt.

Quick Facts:

1838: Florida's first Constitution established

59: Number of constitutional amendments proposed during 2011 Session

7: Number of constitutional amendments passed during 2011 Session

CS/HJR 7111: Proposes a Constitutional Amendment to address reforms to Florida's court system structure and function. The bill passed the House on May 3, 2011, by a vote of 80-38 and passed the Senate on May 5, 2011, by a vote of 24-11.

- Revises provisions relating to the repeal of court rules
- Limits re-adoption of repealed court rules
- Provides for Senate confirmation of Supreme Court justices
- Requires the Judicial Qualifications Commission (JQC) to make all files available to the Florida House Speaker
- Requires records provided to the House Speaker be kept confidential until impeachment is initiated

CS/SJR 2: Proposes a Constitutional Amendment to prohibit any laws from compelling any Floridian or employer to purchase, obtain or provide health care coverage. The bill passed the Senate on March 9, 2011, by a vote of 29-10 and passed the House on May 4, 2011, by a vote of 80-37.

- Allows a person or employer to purchase services directly from a health care provider at their own discretion
- Allows a health care provider to accept direct payment for services if a patient chooses to pay out of pocket

CS/CS/CS/CS/CS/HJR 381: Proposes a Constitutional Amendment to prohibit increases in assessed value of homestead and specified non-homestead property if the property's value decreases. The bill passed the House on May 2, 2011, by a vote of 105-11 and passed the Senate on May 4, 2011, by a vote of 25-12.

- Reduces limitations on annual assessment increases for non-homestead real property

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Additional Terms to Know:

State Revenue Limitation:

Limits the growth from state revenue to the growth rate in Florida personal income.

- Provides additional homestead exemption for owners of homestead property who have not owned homestead property for a specific time
- Removes future repeal of provisions limiting annual assessment increases for specified non-homestead real property

CS/SJR 592: Proposes a Constitutional Amendment to expand the property tax discount to an increased number of veterans who became disabled as a result of a combat injury. The bill passed the Senate on May 2, 2011, by a vote of 38-0 and passed the House on May 4, 2011, by a vote of 117-0.

- Provides property tax discount benefits to veterans who were not Florida residents when they entered the military in addition to those who were Floridians when they began their service

CS/SJR 958: Proposes a Constitutional Amendment to replace the existing state revenue limitation with a new state revenue limitation based on inflation and population change. The bill passed the Senate on March 3, 2011, by a vote of 27-13 and passed the House on May 4, 2011, by a vote of 78-40.

- Requires any revenue collected above the state cap to first be deposited in the Budget Stabilization Fund, then used to support public education, then be given back to the taxpayers if there is enough excess
- Authorizes the Legislature to increase the revenue limitation for any fiscal year by a supermajority vote in the Legislature or a 3/5 vote by the Florida electorate
- These increases are only valid for one year and are not factored in when calculating the cap for subsequent years

CS/HJR 1179: Proposes a Constitutional Amendment in order to prohibit public dollars from funding abortions. The bill passed the Senate on April 28, 2011, by a vote of 27-12 and passed the House on May 4, 2011, by a vote of 79-34.

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For Your Reference:

[Florida House of
Representatives](#)

[Florida Department of State](#)

[Florida Division of Elections](#)

[Florida Constitutional
Amendments Index](#)

[Find Your Supervisor of
Elections](#)

[Florida Courts](#)

[Florida Department of
Health](#)

[Florida Department of
Veterans' Affairs](#)

- Prohibits the State Constitution from being interpreted to create broader rights to an abortion than those contained in the U.S. Constitution
- Exempts federal law requirements, physician-certified physical danger to the mother and instances of rape or incest

CS/HJR 1471: Proposes a Constitutional Amendment to remove a prohibition on revenues from public treasury being used to aid any church, sect or religious denomination in aid of any sectarian institution. The bill passed the House on April 27, 2011, by a vote of 81-35 and passed the Senate on May 6, 2011, by a vote of 26-10.

- Provides that no individual or entity can be denied any government benefit, funding or other support based on religious identity or belief

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